

Atty Dkt No. 54269.8002.US01

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Date: February 17, 2006

By:

Rena lov

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Wang, Kangsheng

APPLICATION No.: 09/781,046

FILED: February 8, 2001

FOR: **A METHOD AND SYSTEM FOR INTRODUCING A  
GENE INTO A HUMAN STEM CELL**

EXAMINER: Thaian N. Ton

ART UNIT: 1632

CONF No.: 9275

**Response to Examiner's Amendment**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to Examiner's Amendment dated November 17, 2005, applicant submits a copy of the Receipt confirming deposit under the Budapest Treaty filed concurrently with The Declaration of Biological Deposit on August 11, 2005.

Respectfully submitted,  
Perkins Coie LLP

Date: February 17, 2006

Patrick D. Morris, Ph.D.  
Registration No. 53,351

**Correspondence Address:**

Customer No. 34055  
Perkins Coie LLP  
Patent – LA  
P.O. Box 1208  
Seattle, WA 98111-1208  
Telephone: (310) 788-9900  
Facsimile: (310) 788-3399



**ATCC**

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

BioAgri Corporation  
Attn: Ken Wang  
17711 Rowland Street  
Industry, CA 91748

**Deposited on Behalf of:** BioAgri Corporation

**Identification Reference by Depositor:**

Hybridoma Cell Line; mAbC

**Patent Deposit Designation**

PTA-6723

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received May 24, 2005 by this International Depository Authority and has been accepted.

**AT YOUR REQUEST:** ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 1, 2005. On that date, the culture was viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

**Date:** June 21, 2005

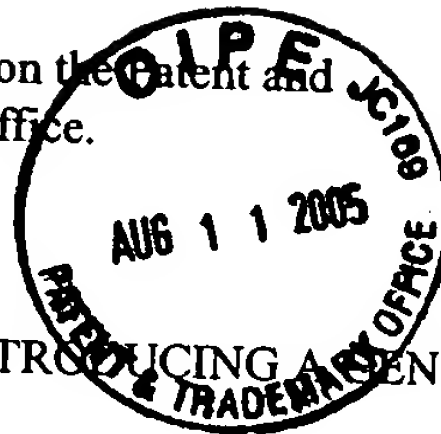
cc: James Zhu, Michael Wise

Docket or Case Nos: 54269,8001 and 54269,8002



Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: WANG, Kangsheng  
Serial No.: 09/781,046  
For: A METHOD AND SYSTEM FOR INTRODUCING A GENE  
INTO A HUMAN STEM CELL  
Filed: February 8, 2001

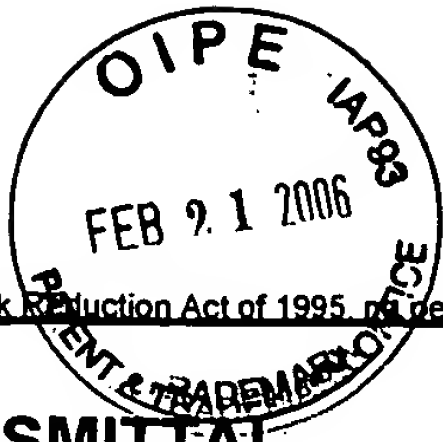


**TRANSMITTAL OF DECLARATION OF BIOLOGICAL DEPOSIT**

Attorney(s): Patrick D. Morris  
Docket No.: 54269.8002.US01  
Date of Deposit: August 8, 2005 (via First Class Mail)  
Enclosure(s): Transmittal Form; Declaration of Biological Deposit with copy of  
Receipt confirming deposit under the Budapest Treaty; return  
postcard

ENE

Date of Deposit: August 8, 2005 (via First Class Mail)  
Enclosure(s): Transmittal Form; Declaration of Biological Deposit with copy of  
Receipt confirming deposit under the Budapest Treaty; return  
postcard



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/781,046

Filing Date

February 8, 2001

First Named Inventor

Kangsheng Wang

Art Unit

1632

Examiner Name

Thalan N. Ton

Attorney Docket Number

54269.8002.US01

**ENCLOSURES**

(Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/  
Incomplete Application☐Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a  
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board  
of Appeals and Interferences☐Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify  
below):Declaration of Biological Deposit with Receipt  
confirming deposit under the Budapest  
Treaty.

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

PERKINS COIE LLP

Signature

Printed name

Patrick D. Morris

Date

August 8, 2005

Reg. No.

53,351

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

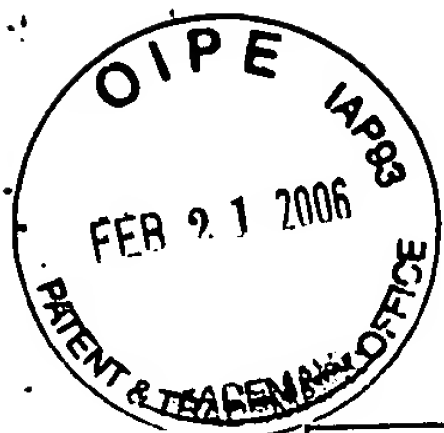
Rena Iov

Date

August 8, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**WANG, Kangsheng**

**Serial No.: 09/781,046**

**Filed: February 8, 2001**

**For: A METHOD AND SYSTEM  
FOR INTRODUCING A GENE INTO  
A HUMAN STEM CELL**

**Examiner: TON, Thaia N.**

**Group Art Unit: 1632**

**Docket No.: 54269.8002.US01**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited this 8<sup>th</sup> day of August 2005 with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rena Iov

**DECLARATION OF BIOLOGICAL DEPOSIT**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Examiner Ton,

I, Ken Wang, do hereby declare as follows:

1. I am the inventor of the above-identified application. The following materials have been deposited in conjunction with this application:

<u>Strain</u>	<u>Deposit Designation</u>	<u>Deposit Date</u>
Hybridoma cell line; mAbC	PTA-6723	May 24, 2005

2. The deposit was made to the American Type Culture Collection, 10801 University Boulevard, Manassas, Virginia 20110-2209, pursuant to the provisions of the Budapest Treaty.

3. A copy of the Receipt confirming deposit under the Budapest Treaty is attached hereto.


4. In accordance with the Budapest Treaty, the depository will maintain the deposit for a period of at least 30 years from the date of deposit or 5 years after the most recent request for a sample, whichever is longer.

5. I affirm that should the culture die or be destroyed during the effective term of the deposit, Applicant will replace it with living culture of the same for at least 30 years from the date of the original deposit, 5 years from the date of the most recent request for a sample, or for the life of any patent issued on the above-identified application, whichever is longer.

6. I affirm that upon issuance of a patent on the above-identified application, the culture will be irrevocably and without restriction released for access by the public, and shall remain available for the entire term of the deposit.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. Further, I recognize any willful false statement herein is punishable by fine, imprisonment, or both under 18 U.S.C. 1001, may jeopardize the validity of the present application or any patent issuing therefrom.

Date: 8/5/05

  
Kangsheng Wang  
BioAgri Corporation

**Correspondence Address:**

Customer No. 34055  
Perkins Coie LLP  
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